

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

January 22, 1998

DIVISION ONE

B110454 People (Not for Publication)
v.
Franco

The judgment is modified to give defendant a total of 373 days pre-sentence custody credit, comprised of 325 days actual custody and 48 days conduct credit. The matter is remanded for issuance of a new abstract of judgment to be forwarded to the Department of Corrections. In all other respects, the judgment is affirmed.

Ortega, J.

We concur: Spencer, P.J.
Vogel (Miriam A.), J.

[illegible]

We remand for the trial court to determine whether to exercise its discretion per *People v. Superior Court (Romero)*, *supra*, 13 Cal.4th 497. In all other respects, the judgment is affirmed.

Ortega, Acting P.J.

We concur: Vogel (Miriam A.), J.
Dunn, J. (Assigned)

January 22, 1998-Continued

DIVISION ONE (Continued)

B099858 People (Not for Publication)
v.
Maalea

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
 Masterson, J.

[illegible]

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
 Masterson, J.

B111185 People (Not for Publication)
v.
Castro

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
Ortega, J.

January 22, 1998-Continued

DIVISION ONE (Continued)

B110415 People (Not for Publication)
v.
Sanders

The judgment (order) is affirmed.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
 Masterson, J.

B103076 Chan (Not for Publication)
v.
Hales Investment Co., et al.

The judgment is affirmed.

Ortega, Acting P.J.

We concur: Masterson, J.
Dunn, J. (Assigned)

B101733 Maxwell (Certified for Publication)
v.
Fire Insurance Exchange, et al.

The summary judgment is affirmed.

Dunn, J. (Assigned)

We concur: Spencer, P.J.
Ortega, J.

DIVISION ONE (Continued)

B107476 Fehring, et al. (Not for Publication)
 v.
 H&R Block

We affirm the summary judgment. Defendant is awarded costs on appeal.

Ortega, Acting P.J.

We concur: Vogel (Miriam A.), J.
 Masterson, J.

B112742 Plutsky (Not for Publication)
 v.
 Bugaj

The judgment is affirmed.

Ortega, Acting P.J.

We concur: Vogel (Miriam A.), J.
 Masterson, J.

DIVISION TWO

B115837 Talismaya S. (Not for Publication)
 v.
 Superior Court, Los Angeles County
 (L.A. County Department of Children & Family Services, r.p.i.)

The petition for writ of mandate is denied, and the order to show cause is dismissed.

Zebrowski, J.

We concur: Boren, P.J.
 Fukuto, J.

DIVISION TWO (Continued)

B105840 First Fidelity Thrift & Loan Association (Certified for Publication)
 v.
 Alliance Bank

The judgment is affirmed.

Zebrowski, J.

We concur: Boren, P.J.
 Ito, J. (Assigned)

B106870 People (Not for Publication)
 v.
 Green

The judgment is affirmed.

Zebrowski, J.

We concur: Boren, P.J.
 Ito, J. (Assigned)

B111516 People (Not for Publication)
 v.
 Ruano

The Court:

The judgment is affirmed.

Fukuto, Acting P.J., Nott, J., Zebrowski, J.

DIVISION THREE

[illegible]

The judgment is affirmed.

Croskey, J.

We concur: Klein, P.J.
Kitching, J.

DIVISION FOUR

Court convened at 9:00 A.M.

Present: Vogel (C.S.), P.J., Epstein, J., Hastings, J., Baron, J., and Jim Guzman, Deputy Clerk.

Each of the following:

B116235 Suzette H. v. S.C.L.A. & D.C.F.S.
B115289 Lydia C. v. S.C.L.A. & D.C.F.S.
B116414 David C. v. S.C.L.A. & D.C.F.S.
B104709 People v. Lathan
B108060 People v. Rubi
B106146 People v. Stroud
B106183 People v. Park
B103200 People v. Hollis
B103299 People v. Myles

Argument waived, cause submitted.

B116550 People
v.
Aguilar

Merits:
Argued by Richard A. Levy for appellant and by George M. Palmer for respondent. Cause submitted.

DIVISION FOUR (Continued)

B107109 People
 v.
 Anderson

Merits:
Argued by William L. Heyman for appellant and by Christina Russotto for respondent. Cause submitted.

B103544 People
 v.
 Dejohnette & Phillips

Merits:
Argued by Janyce Keiko Imata Blair and Stephen Matchet for appellants and by Paul C. Ament for respondent. Cause Submitted.

B103776 People
 v.
 Cabanillas

Merits:
Argued by John Lanahan for appellant and by Juliet H. Swoboda for respondent. Cause submitted.

B094380 Hawaiian Gardens
 v.
 City of Long Beach

Merits:
Argued by Heather A. Mahood for appellant and by Tamar C. Stein for respondents. Cause submitted.

DIVISION FOUR (Continued)

B105632 People
 v.
 Lee

Merits:

Argued by Kent V. Anderson for appellant and by Lawrence M. Daniels for respondent. Cause submitted.

B104404 ICN Pharmaceuticals
 v.
 Continental Insurance Company

Merits:

Argued by Laura K. Christa for appellant and by Julie Dean Larsen for respondent. Cause submitted.

Court recessed.

The Court reconvened at 1:30 P.M.

Present: Vogel (C.S.), P.J., Epstein, J., Hastings, J., Baron, J., and Jim Guzman, Deputy Clerk.

Each of the following:

B108723 People v. Artist
B109561 People v. Campos
B111518 People v. Ward
B107410 People v. Tieshae H.
B108367 People v. Young
B104870 People v. Harris
B112099 D.C.F.S. v. Warren W.

Argument waived, cause submitted.

DIVISION FOUR (Continued)

B109147 People

v.

David R.

Merits:

Argued by Fay Arfa for appellant and by Herbert S. Tetef for respondent.
Cause submitted.

B101744 Davis

v.

Department of Real Estate

Merits:

Argued by Raymond B. Jue for appellant and by Marshall A. Coyle for
respondent. Cause submitted.

B109519 Varga

v.

Sampson

Merits:

Argued by Ronald Sampson for appellant and by Martin F. Goldman for
respondent. Cause submitted.

B107832 4454 Ventura Canyon Homeowners

v.

Truck Insurance Exchange

Merits:

Argued by Allen L. Michel for appellant and by H. Steven Schiffres for
respondent. Cause submitted.

DIVISION FOUR (Continued)

B103134 Lang
 v.
 County of Los Angeles

Merits:
Argued by Erik E. Lang for appellant and by Thomas J. Faughnan for respondent. Cause submitted.

B107529 People
 v.
 Diaz

Merits:
Argued by Alan G. Karow for appellant and by Susan C. Diamond for respondent. Cause submitted.

B106712 People
 v.
 Trujillo

Merits:
Argued by David B. Harrison for appellant and by Rama R. Maline for appellant. Cause submitted.

B103468 People
 v.
 Gonzalez

Merits:
Argued by Daniel J. Gunther for appellant and by Kerrigan M. Keach for respondent. Cause submitted.

January 22, 1998-Continued

DIVISION FOUR (Continued)

B103155 Birds
v.
Drewitz

Merits:

Argued by Valentine G. Birds for appellant and by Raymond L. Henke, Jeanne A. Sterba and by Raymond L. Henke for respondents. Cause submitted.

B101881 Murkey
v.
Demler, Armstrong & Rowland

Merits:

Argued by Keith H. Gill for appellant and by Trevpr Knopf, Kevin R. Lussier and Paul X. Tobin for respondents. Cause submitted.

Court adjourned.

DIVISION FIVE

B105160 People (Not for Publication)
v.
Judith L. Walraven

The judgment is affirmed.

Armstrong, J.

We concur: Turner, P.J.
 Grignon, J.

January 22, 1998-Continued

DIVISION FIVE (Continued)

B108372 People (Not for Publication)
v.
Rodney Briggs

The abstract of judgment is ordered modified to reflect that Briggs was in custody 936 days and is entitled to 1,404 days of presentence custody credit. The judgment as modified is affirmed.

Jackson, J. (Assigned)

We concur: Turner, P.J.
 Grignon, J.

B104656 Dennis Wood et al. (Not for Publication)
v.
Berglund & Johnson et al.

The judgment is reversed. Appellants to recover costs on appeal.

Armstrong, J.

We concur: Grignon, Acting P.J.
Godoy Perez, J.

B111203 People (Not for Publication)
v.
William Julius Guilford

The judgment is affirmed except that the cause is remanded to allow the trial judge to impose or strike the two prior terms pursuant to Penal Code section 1170.1, subdivision (h). The clerk of the Superior Court is to prepare an amended abstract and judgment reflecting presentence credits of 25 days which includes 8 days of conduct credits.

Turner, P.J.

We concur: Grignon, J.
Godoy Perez, J.

January 22, 1998-Continued

DIVISION SIX

[illegible]

The judgment is affirmed.

Yegan, J.

We concur: Stone, P.J.
 Gilbert, J.

B108832 People (Not for Publication)
v.
Ashley

The judgment is affirmed.

Gilbert, J.

We concur: Stone, P.J.
Yegan, J.

B110999 People (Not for Publication)
v.
Sepulveda

Under these circumstances, the admissions are vacated and the matter must be remanded for retrial on the question whether appellant served the three prior prison terms alleged. In all other respects, the judgment is affirmed.

Yegan, J.

We concur: Stone, P.J.
 Gilbert, J.

January 22, 1998-Continued

DIVISION SIX (Continued)

B110489 People (Not for Publication)
v.
Pauley

The judgment is affirmed.

Gilbert, J.

We concur: Stone, P.J.
 Coffee, J.

B113397 People (Not for Publication)
v.
Ceniceros

The sentence imposed is vacated and the matter is remanded for resentencing only. In all other respects the judgment is affirmed.

Yegan, J.

We concur: Stone, P.J.
 Gilbert, J.

DIVISION SEVEN

B104532 International Medication Systems, Inc.
v.
Assessment Board of Los Angeles County

Filed order recalling remittitur for correction of clerical errors in opinion.
New remittitur issued forthwith. (No change in the judgment.)